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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,649	06/27/2003	Roland E. Flick	0-03-123	8322

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EXAMINER

CONLEY, FREDRICK C

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/608,649	Applicant(s) FLICK, ROLAND E.	
	Examiner FREDRICK C. CONLEY	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-17 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Prosecution Application

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/14/05 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-8, 10, and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,542,136 to Tappel in view of U.S. Pat. No. 6,108,843 to Suzuki et al.

Claims 1 and 12, Tappel discloses a self-contained mattress unit having at least a head section and a foot section;
at least one inflatable bladder (91-110) in each section of the self-contained mattress unit;
at least one fluid source 41;

Art Unit: 3673

a control system 56 positioned in the foot section and transmits an electrical signal through transmission lines to a second set of dispersion units (66-69), the second dispersion unit is in the section with the control system: the second dispersion unit receives fluid from the fluid source when the control system transmits a signal to the second dispersion unit to obtain fluid, and the second dispersion unit directs fluid to predetermined fluid conduits that direct the fluid into predetermined inflatable bladders positioned in the section of the second dispersion unit. Tappel fails to disclose a first set of dispersion units. Suzuki discloses a first dispersion unit (31a-31e) connected to each inflatable bladder (10a-10b) wherein the first dispersion unit receives fluid from a fluid source 13 when the control system transmits a signal to the first dispersion unit to obtain fluid and the first dispersion unit directs fluid to predetermined fluid conduits that direct the fluid into predetermined inflatable bladders positioned in the section of the first dispersion unit (col. 7-8 lines 39-68 & 1-37). It would have been obvious for one having ordinary skill in the art at the time of the invention to employ first dispersion units with each inflatable bladder as taught by Suzuki in order to have the air chambers in the head section of Tappel with different internal pressures for each individual set of the chambers. A dispersion is interpreted as to move or scatter in different directions. A unit is interpreted as a mechanical part or structure. Therefore, the solenoid valves meet the claim limitation of a dispersion unit since the solenoid valves are a mechanical structures that move fluid in different directions.

Regarding claim 12, wherein the control system has an input unit 43 that allows an operator to input data to control at least the inflation and/or deflation of the inflatable

bladders, wherein the control circuit inherently has a board that interconnects to the control unit. Tappel fails to disclose a SIMM type daughter board. Various distribution boards are well known to provide an interface between input devices and control devices, and it would have been an obvious to one having ordinary skill in the art at the time of the invention to employ a SIMM type daughter board in order to interface the input devices with the control devices.

Claims 2 and 14, wherein the at least one fluid source is ambient air.

Claims 3 and 15, wherein the at least one fluid source is ambient air.

Claims 4 and 16, wherein the fluid is air.

Claim 6, wherein the control system has an input unit 43 that allows an operator to input data to control at least the inflation and/or deflation of the inflatable bladders.

Claim 7, wherein the input unit is interconnected to the control unit as an integrated component thereof.

Claim 8, wherein the input unit is interconnected to the control unit by a tethered electrical connection 44.

Claim 10, wherein the control circuit inherently has a board that interconnects to the control unit. Tappel, as modified, discloses the claimed invention except for a SIMM type daughter board. Various distribution boards are well known to provide an interface between input devices and control devices, and it would have been an obvious to one having ordinary skill in the art at the time of the invention to employ a SIMM type daughter board in order to interface the input devices with the control devices.

Claim 13, the control system is interconnected to each dispersion unit to control the dispersion of the fluid to the inflatable bladders in each section.

Claims 5, 11, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,542,136 to Tappel in view of U.S. Pat. No. 6,108,843 to Suzuki et al., and further in view of U.S. Pat. No. 6,079,065 to Luff et al.

Claims 5 and 17, Tappel, as modified, discloses all of the Applicant's claimed limitations except for the inflatable bladders capable of vibrating. Luff discloses inflatable bladders capable of vibrating (col. 3 lines 1-13). It would have been obvious for one having ordinary skill in the art at the time of the invention to have the inflatable bladders vibrate as taught by Luff in order to provide a massaging effect to the mattress of Tappel.

Claim 11, Tappel, as modified, fails to disclose the input unit transmitting a remote wireless signal to a receiver in the control unit. Luff discloses an input unit transmitting a remote wireless signal to a receiver on a control unit (col. 3-4 lines 61-68 & 1-5). It would have been obvious for one having ordinary skill in the art at the time of the invention to employ a wireless signal as taught by Luff in order to provide a hand held controller with the mattress of Tappel.

Allowable Subject Matter

Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1-8 and 10-17 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FREDRICK C. CONLEY whose telephone number is 571-272-7040. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HEATHER SHACKELFORD can be reached on 571-272-7049. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EC



JONG-SUK (JAMES) LEE
PRIMARY EXAMINER
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